

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:15-00139

BRIAN DUNNIGAN

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 26, 2024, the United States of America appeared by Samuel D. Marsh, Assistant United States Attorney, and the defendant, Brian Dunnigan, appeared in person and by his counsel, Roger L. Lambert, for a hearing on the Petition, Amendment and Second Amendment seeking revocation of supervised release, submitted by Senior United States Probation Officer Justin L. Gibson. The defendant commenced a twenty-four (24) month term of supervised release in this action on April 18, 2024, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on May 22, 2023.

The court heard the objections of the defendant, the evidence adduced by the parties, and the representations and arguments of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release by committing violations in the following respects: (1) on June 11, 2024, during the course of a traffic stop, in which the defendant was a passenger in the vehicle stopped, the defendant was found in possession with intent to distribute 8.9 grams of fentanyl, 7.0 grams of methamphetamine, 5.2 grams of cocaine base, 2.7 grams of cocaine powder, 20 Klonopin tablets, and other tablets not identified, with both the Klonopin and unidentified tablets each in a vial with the name of Christine McAtee on the vials, and \$1,350 in United States currency, which were proceeds from similar drug activity; (2) on that same date, the defendant was a felon in possession of a loaded firearm found under the passenger seat of a vehicle in which the defendant was the passenger, and which firearm was for the purpose of protecting the defendant's drug activity; and (3) from on or about

April 18, 2024, through on or about June 11, 2024, the defendant had absconded from his supervised release and his whereabouts was not known to the probation officer during that time; all as set forth in the petition on supervised release, and by the court's findings on the record.

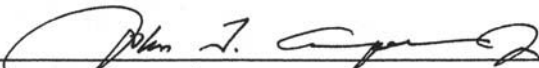
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32.1(b)(2) and (c)(1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWENTY-FOUR (24) MONTHS, with no further term of supervised release imposed.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 10, 2024



John T. Copenhaver, Jr.
Senior United States District Judge